

From: McLean L (Liza)
Sent: 18 June 2021 15:33
To: [Redacted]
Cc: [Redacted]
Subject: RE: URGENT: Year 1 Legislative Programme

Many thanks again [Redacted], we'll include that.

Liza McLean
Interim Deputy Director, Learning Workforce, Infrastructure and Reform
Learning Directorate
Working from home – [Redacted]

From: [Redacted]
Sent: 18 June 2021 15:31
To: McLean L (Liza) <Liza.McLean@gov.scot>
Cc: [Redacted]
Subject: RE: URGENT: Year 1 Legislative Programme

Liza,

Thanks. I've discussed with [Redacted] and suggested a slight change below.

Ideally the Cabinet Secretary wouldn't need to go any further than that. As I mentioned the issue here is ensuring the statements are consistent with the Ministerial code so avoiding explicitly committing to legislation without collective agreement of Cabinet.

Kind regards,
[Redacted]

From: McLean L (Liza) <Liza.McLean@gov.scot>
Sent: 18 June 2021 15:08
To: [Redacted]
Cc: [Redacted]
Subject: RE: URGENT: Year 1 Legislative Programme
Importance: High

Many thanks for this [Redacted] am copying in my team [Redacted]

[Redacted]– can we therefore say something more along the lines of:

- The functions of the SQA are founded in statute (the Scottish Qualifications Authority Act 2002). Clearly once our consultation work is complete we will need to consider the legislative implications of that. [Redacted]

Kind regards

Liza

Liza McLean
Interim Deputy Director, Learning Workforce, Infrastructure and Reform
Learning Directorate
Working from home – [Redacted]

[Redacted]

From: Minister for Parliamentary Business <MinisterPB@gov.scot>
Sent: 18 June 2021 10:35
To: Cabinet Secretary for Education and Skills <CabSecES@gov.scot>; Minister for Children & Young People <MinisterCYP@gov.scot>; Minister for HE, FE, Youth Employment and Training <MinisterHEFEYET@gov.scot>
Cc: [Redacted]; JS (James) <James.Hynd@gov.scot>; McFarlane J (John) (Special Adviser) <John.McFarlane@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; Minister for Parliamentary Business <MinisterPB@gov.scot>; Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>
Subject: URGENT: Year 1 Legislative Programme
Importance: High

[Redacted]

Please see below note, with attached draft paper, from the Minister for Parliamentary Business. Please can you consider for your portfolios and respond no later than 4pm this coming **Wednesday 23rd June**. It's important that we have responses from all portfolios before summer recess.

If you've any queries, give me a call or your officials can get in touch with [Redacted], as detailed in the below note.

Thanks!

[Redacted]

**CABINET SECRETARY FOR EDUCATION AND SKILLS
MINISTER FOR CHILDREN AND YOUNG PEOPLE
MINISTER FOR HE, FE, YOUTH EMPLOYMENT AND TRAINING**

Prior to the election a provisional programme of Bills was drawn up for introduction in Year 1 of the new Parliament should this administration be returned.

I have been considering this alongside our manifesto commitments and advice from officials on the overall readiness of Bills to be introduced. [Redacted]

Before I put this forward I am asking all Cabinet Secretaries and Ministers to consider the draft.

Year 1 Programme

My principal focus is on the Year 1 programme, [Redacted]

Future Legislation Asks

Once the Year 1 programme has been announced in PfG I will be turning my attention to developing a provisional Year 2 programme which I intend to discuss with colleagues in September. [Redacted]

[Redacted]

If your officials require any advice on Bill timetabling they should contact [Redacted].

GA
JUNE 2021

[Redacted]

Private Secretary to Minister for Parliamentary Business

T: [Redacted] E: MinisterPB@gov.scot

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From: Director of Learning
Sent: 18 June 2021 15:42
To: Cabinet Secretary for Education and Skills; McAllister C (Colin); McLean L (Liza); Pentland MK (Malcolm); Drought A (Andrew); Griffin J (Joe);
[REDACTED]
Subject: Confidential: key points for calls on Monday

Cabinet Secretary,
Please find below some suggested key points to make in your calls on Monday morning with Gayle Gorman and Fiona Robertson/ David Middleton. Thanks, Graeme.

Key points to make in the call with Fiona Robertson (CEO) and David Middleton (Chair)
SQA

- Calling to give you the heads up in confidence about the next step in the reform of SQA, following the publication of the OECD report today. I will be answering a question in Parliament later this morning (1100 TBC) so I want to give you time to prepare briefing for your staff.
- Recommendation 3.2 of the OECD's report identifies the need to simplify and better align the institutional structures that support our education system. I therefore intend to replace the SQA with a new, specialist agency and I am minded to make this new body responsible for both curriculum and assessment as recommended by the OECD. I am very grateful to all SQA staff for all their ongoing efforts to deliver qualifications in challenging circumstances this year, and will state this publically in my statement. It is important that SQA staff continue to deliver qualifications successfully, this year and next, as we work to design the new agency.
- During my statement to Parliament tomorrow, I will announce that we are appointing an independent advisor to work with the Scottish Government from August for 6 months to design how to implement these changes to SQA (and changes to ES which I will also announce). In complete confidence, this will be Ken Muir. Ken will engage with you and SQA staff to ensure your views are taken in to account.

Key points to make in the call with Gayle Gorman (CEO) Education Scotland

- Calling to give you the heads up in confidence about the next step in the reform of ES, following the publication of the OECD report today. I will be answering a question in Parliament later this morning (1100 TBC) so I want to give you time to prepare briefing for your staff.
- As you know the report found that having the inspectorate as part of an organisation that is also responsible for supporting school leaders, curriculum design and support, teacher professional learning and a range of other initiatives is an "unusual configuration".
- It is therefore my intention to move the inspection function out of Education Scotland.

- I intend to replace the SQA with a new, specialist agency and I am minded to make this new body responsible for both curriculum and assessment as recommended by the OECD. **[Redacted]**
- During my statement to Parliament tomorrow, I will announce that we are appointing an independent advisor to work with the Scottish Government from August for 6 months to design how to implement these changes to SQA and ES. In complete confidence, this will be Ken Muir. Ken will engage with you and ES to ensure your views are taken in to account.

From: McLean L (Liza)
Sent: 18 June 2021 17:11
To: Cabinet Secretary for Education and Skills
Cc: [Redacted]; DG Education & Justice; Director of Learning; Pentland MK (Malcolm); Anson S (Sam); Drought A (Andrew); [Redacted]
Subject: OECD - Statement and Briefing Pack

Hi [Redacted], following the meeting this afternoon:

- We have spoken to Ken Muir and he is delighted to accept. He is going to review the Remit and provide us with a quote for Tuesday.
- Statement – updated to reflect Ms Somerville’s comments.
- SG Response to OECD recommendations – updated for consistency with changes elsewhere.
- Briefing pack:
 - Added a new Annex C on OECD report key lines/messages.
 - Added a new Annex Q on summary of relevant Education Committee references.
 - Added a placeholder for a new Annex R on the OECD 2015 report – will add this on Monday.
 - Tried to tighten up the line included in the Q&A on the bill, [Redacted] – *The functions of the SQA are founded in statute (Education (Scotland) Act 1996). Once our consultation work is complete we will need to consider the legislative implications of that and will update Parliament in due course.*
 - Added a line on broad timings in the Q&A - *Professor Ken Muir is going to conduct his work over the next six months and this will inform the timeline for the possible creation of both a new body and a new approach to inspection. The overall timetable will depend on the final approach, and while some aspects of change may be achieved relatively quickly, those that require legislation will need to follow due Parliamentary procedure.*
 - [Redacted]

Kind regards

Liza

Liza McLean
Interim Deputy Director, Learning Workforce, Infrastructure and Reform
Learning Directorate
Working from home – [Redacted]

Q. What now for Education Scotland and SQA?

A. On 2 June I announced that the role, remit and purpose of key national agencies Education Scotland (ES), including inspection, and the SQA will be reformed as part of ambitious plans for Scotland's education recovery. It is my intention to move the role of inspection out of Education Scotland and also minded to replace the SQA with a new, specialist agency responsible for both curriculum and assessment, to ensure clarity, coherence and alignment as recommended by the OECD. I intend to engage widely and will consult on plans for implementation.

Today I have also confirmed that Ken Muir will lead work as an Independent Advisor on how this recommendation should be implemented, with a view to consulting widely and ultimately ensuring our agencies operate as effectively as possible in support of excellence and equity for our children and young people. Ken will consider and advise Scottish Ministers on the implementation of the OECD recommendation.

Q. How was Ken Muir selected for this position? When does he take up this post? When will work begin?

A. Professor Ken Muir OBE has extensive and in depth experience of the Scottish education sector in a career spanning 42 years most recently as Chief Executive of the General Teaching Council. This knowledge and expertise makes Ken an excellent selection for this appointment. Ken will take up the appointment in August for a period of 6 months.

Q. How will the remit for the work be developed?

A. The broad remit for the work is to consider and advise on the implementation of the OECD recommendation on the establishment of a curriculum and assessment body, and the role of the Inspectorate. We will work with stakeholders to finalise the remit and will set out further the process and timeline for the work once the independent Chair is in post.

Q. Will the remit include looking at the wider school education sector beyond the roles of SQA and Education Scotland?

A. We expect Ken Muir and the supporting Advisory Panel to focus on the reform of SQA and Education Scotland and the functions related to this. We will however expect the work to take account of the wider

context, including our current ongoing review of the Regional Improvement Collaboratives.

Q. Will you listen to the views of teachers and young people?

A. This work will be taken forward through wide engagement, ensuring that the voices of children, young people, parents and schools themselves are at the heart of our approach in the way the OECD recommendations are implemented.

A key objective will be ensuring that we fully understand the needs of our schools, practitioners and learners, and that we design our education system to deliver the best possible support that they require.

Q. Will you be bringing forward a Bill in support of this work?

A. The functions of the SQA are founded in statute (Education (Scotland) Act 1996). Once our consultation work is complete we will need to consider the legislative implications of that and will update Parliament in due course.

Q. When will this new body and approach to inspection be in place?

A. Professor Ken Muir is going to conduct his work over the next six months and this will inform the timeline for the possible creation of both a new body and a new approach to inspection. The overall timetable will depend on the final approach, and while some aspects of change may be achieved relatively quickly, those that require legislation will need to follow due Parliamentary procedure.

Reform

Q. The Committee and Parliament have called for reform/review since early 2019, why are you only taking action now?

A. Significant reform of any kind is not to be undertaken lightly and education governance was examined in the last Parliament. The pandemic has however created both new challenges for Scottish Education and brought existing challenges in to even sharper relief. We now have the OECD review which confirms that Curriculum for

Excellence remains the right foundation for education in Scotland, but recommends that we look at the structures that support its implementation, and that is what we are going to do.

Q. Why reform?

A. The Scottish Government's aspiration is that all children in Scotland should have the best start in life, and that there should be no better place in the world to be educated than in Scotland. To achieve this everyone in the education system needs to focus on improving outcomes for children and young people, and delivering excellence and equity.

The global pandemic has both created new challenges and brought existing challenges in to even sharper relief. Curriculum for Excellence remains the right foundation for education in Scotland, but in order to realise its full potential we need to increase the pace of improvement, tackle unwarranted variation in outcomes, and support and empower schools and teachers as the people who know their learners best.

Q. What are we reforming?

A. The education system needs to be fully focused and organised in the right way in order to do everything it can to provide the highest quality of support for children and schools.

Our two key national agencies, the Scottish Qualifications Authority and Education Scotland, play significant roles in this landscape and in how schools are supported and challenged, and we are therefore starting this process by examining their functions. It is important that teachers, parents and learners themselves trust the organisations responsible for supporting our schools and understand the role that they play.

As well as considering the national agencies we will also seek to empower our schools allowing them to take the key decisions about teaching and learning.

Q. How will we reform?

A. The OECD's report provides us with guiding recommendations, based on their wide review, consultation, expertise and knowledge of both the Scottish and international education systems.

We will take these recommendations forward through wide engagement, ensuring that the voices of children, young people, parents and schools themselves are at the heart of our approach in the way these recommendations are implemented.

We will work with openness and transparency, with a key objective of ensuring that we fully understand the needs of our schools, practitioners and learners and design our education system to deliver the best possible support and, as appropriate, challenge that they require.

SQA/EDUCATION SCOTLAND REFORM

The commitment to review the SQA and Education Scotland is a key priority that will be informed by the findings of the OECD review on 21 June.

- We will be considering options for reform which ensure that schools get the best possible support to enable them to focus relentlessly on providing the highest quality of learning and teaching for our children.
- This will include looking at the role, remit and purpose of the organisations, as well as considering their functions and governance arrangements.
- We will seek the views of all stakeholders in due course.
- As part of a reform agenda we will also devolve even greater powers to schools while intensifying the discussion around school based decision making.

EDUCATION & SKILLS COMMITTEE – COMMENTARY RELEVANT TO SQA AND EDUCATION SCOTLAND

The following provides some extracts from the Education & Skills Committee letters – during the pandemic the focus has primarily been on SQA.

[Redacted]

2020

We remain concerned that the process for the 2020 exams diet was badly communicated. In particular, from your evidence, it is clear that the appeals process was a key element in the SQA's plans for this year, and you told us the SQA "were ready for a higher volume of appeals this year". Why was this not made more explicit in advance to pupils, parents and schools and what reflection has the SQA made on how similar circumstances could be more clearly communicated in future years? Looking forward, we believe the SQA must improve its communication with learners and rebuild trust in the qualifications system, and we expect the SQA will reflect on these observations. Please provide details of the action the SQA intends to take to improve communication and rebuild trust with teachers, parents and students, and whether the SQA intends to carry out an internal review of its communication processes ahead of Professor Priestley's review.

2019

Prior to the pandemic, some relevant Committee recommendations from 2019 were as follows:

The evidence the Committee has received from teachers should give the SQA serious cause for concern. The Committee considers that the distinction in feedback between the Committee's survey and the SQA commissioned survey is perhaps indicative of the current relationship with teachers. There would appear to be a divergence between what teachers will express to the SQA and what they will express to this Committee. The SQA is invited to review its approach to engaging with teachers to enable candid communication from those with criticisms to make. The SQA also needs to be able to demonstrate how these views impact on the SQA's processes in order to improve trust.

The SQA's core business is producing and marking exams. Errors in these areas are unacceptable. The Committee is concerned that Dr Brown suggests that errors occur because of excessive workload and has presented the solution as being more work on quality assurance. The Committee therefore urges the SQA to consider how to re-prioritise resources to address such issues and fulfil its core functions.

The SQA needs to develop updated Curriculum for Excellence qualifications and, importantly, communicate any changes to the teaching profession in the

short timeframe available. This will require the SQA to improve in several areas while under considerable time pressure. The Committee urges the SQA, local authorities, Education Scotland and teaching representative bodies to have a clear focus on how teachers will be given the time and resource to understand what is expected from teachers and learners. The Committee would welcome regular updates on this work.

The evidence from Dr Maxwell suggested that the lines of accountability in relation to Education Scotland's roles in advising the Scottish Government, driving policy and the inspection regime should be clearer and require further investigation by this Committee.

In the context of Education Scotland's assertion that inspections provide evidence of the impact of Curriculum for Excellence, the Committee is concerned that the number of inspections appeared to be reducing. The Committee urges Education Scotland to ensure that it is carrying out this core function regularly to support schools, local authorities and the national bodies in delivering Curriculum for Excellence.

The Committee believes it is vital that inspectors are able to understand how a school operates under normal circumstances and provide constructive feedback. The Committee is therefore concerned that inspections may lead to a change in the normal running of schools, creating additional work and potentially a false impression. The Committee welcomes Education Scotland's plans to correct misconceptions about what inspections entail. The Committee urges Education Scotland to work with local authorities and directly with schools to challenge these misconceptions.

From: Director of Learning
Sent: 24 June 2021 10:08
To: Pentland MK (Malcolm); **[Redacted]**
Cc: **[Redacted]**; McLean L (Liza)
Subject: SQA Board appointments

[Redacted], Malcolm

As just discussed with Cab Sec and David Middleton, **[Redacted]** We will need to give Cab Sec advice on this, **[Redacted]**.

Thanks
Graeme.

[PE1875: Public inquiry into the Scottish Qualifications Authority](#) **“Calling on the Scottish Parliament to urge the Scottish Government to order a public inquiry into the actions of the Scottish Qualifications Authority during academic years 2019-20 and 2020-21”**”.

Response:

We commissioned a review in 2020 to help us better understand how the curriculum is being designed and implemented in school, and to identify areas for improvement.

This review was subsequently expanded from an initial review of the senior phase curriculum to a full review of Curriculum for Excellence (CfE), covering the broad general education, the senior phase and the articulation between the two.

This review was led by the Organisation for Economic Co-operation and Development (OECD) that published its findings: [Scotland’s Curriculum for Excellence Into the Future](#), on 21 June 2021.

On 21 June the Cabinet Secretary for Education and Skills, Shirley-Anne Somerville, announced that all 12 of the review’s recommendations will be accepted in full, including recommendations on curriculum, assessment and qualifications which will see the Scottish Qualifications Authority (SQA) replaced and Education Scotland substantially reformed - an initial Scottish Government response to these recommendations is available here: [Response to the independent review of the Curriculum for Excellence by the Organisation for Economic Co-operation and Development](#).

Professor Ken Muir CBE has been appointed as an independent advisor to lead this work. Professor Muir will be supported by a diverse advisory panel, which will be drawn from academia, practitioners, organisational change experts and others they, and together they will lead wide engagement that ensures that these changes are designed and implemented in a way that maximizes support of excellence and equity for our children and young people.

The Cabinet Secretary also announced the creation of a young person’s council to shadow the Scottish Education Council and we will ensure the voices of young people are heard during the process led by Professor Muir. We are also committed to working closely with staff directly impacted by any changes (within Education Scotland and SQA) and will ensure they have the opportunity to give their views.

The OECD also identified a need for the better articulation of assessment methods through the Broad General Education and into the Senior Phase. The Scottish Governments awaits the outcomes of the OECDs comparative analysis which is due to publish by the end of August. This will allow us to have initial conversations as to the future of our senior phase qualifications and awards.

From: [Redact] on behalf of Cabinet Secretary for Education and Skills
Sent: 19 July 2021 10:28
To: [Redact]
Cc: McAllister C (Colin); Cabinet Secretary for Education and Skills; [Redact]
Subject: FW: Q&A session
Attachments: SQA Summary questions.docx; Appendix 1 QandA with themes .xlsx

Hi folks

Please find attached a range of questions received from SQA staff for Ms Somerville that were not able to be answered during the recent SQA event. Cab Sec indicated that she was happy to receive these questions [Redact]. I discussed this briefly with Colin and we thought that answering the themes may be best/most practical way forward although Colin was happy to have a look [Redact].

[Redact] – it would be helpful if we could have a draft response for Cab Sec to consider on her return from leave.

Many thanks.

[Redact]

Private Secretary to Cabinet Secretary for Education & Skills

T: [Redact] | M[Redact] | E: cabsecES@gov.scot

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From: [Redact]
Sent: 12 July 2021 09:38
To: Cabinet Secretary for Education and Skills <CabSecES@gov.scot>
Subject: Q&A session

Dear [Redact],

As you know, the Q&A session with the Cabinet Secretary on 29 June, elicited far more questions than could be answered on the day and we undertook to provide the full list of questions. A full list of questions, as asked by SQA staff, is provided. To make it easier to provide answers, we have summarised these into broad themes and removed duplication. I hope this is helpful to you and officials.

It is very clear that the questions reflect the strength of feeling following the announcement of 21 June from a number of colleagues across SQA, and at the end of a very challenging year. We are keen to ensure that SQA staff can actively engage fully and positively in the review process, reflecting the skills, knowledge, and experience of colleagues across the organisation. As a first step, we note the Cabinet Secretary's intention to more fully consult on the remit for Ken Mur's review. We look forward to further communications on that.

Please convey our thanks to the Cabinet Secretary for speaking to staff at this time. The opportunity to provide meaningful input to the review process - a commitment the Cabinet Secretary made to staff - together with clear communications throughout, will undoubtedly help address the concerns colleagues have.

Kind regards

[Redact]

[Redact]

Head of Chief Executive's Office
Corporate Office

Scottish Qualifications Authority

w: <http://www.sqa.org.uk>

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